

Bolton Inland Wetlands Commission
Regular Meeting, December 18, 2018, 7:00 p.m.
Minutes
Bolton Town Hall
222 Bolton Center Rd, Bolton, CT

Lally called the meeting to order at 7:10 p.m.

		Present	Absent
Regular Member	Jane Darico		X
Chairman	Ross Lally	X	
Vice Chairman	James Loersch	X	
Regular Member	David Ostafin	X	
Regular Member	Open		
Alternate Member	Open		
Staff	Barbara Kelly	X	

1. Approval of Agenda

Motion: The Bolton Inland Wetlands Commission to amend the agenda to add as New Business, Item A – Jurisdictional Ruling of the Bolton Land Trust, Edith Toomey Clark property.

By: Loersch

Seconded: Ostafin

Voting:

For: Loersch, Ostafin, Lally

Against: None

Abstain: None

2. Old Business

None

3. New Business

A. Jurisdictional Ruling – Edith Toomey Clark Property of the Bolton Land Trust – property located North of Steeles Crossing Road and the Hop River State Park Trail.

Gwen Marrion, President of the Bolton Land Trust, was present asking for a non-jurisdictional ruling or acceptance of the recommendation by Staff regarding the placement of a small plank bridge across a section of the Hop River. Prior to this land being owned by the Land Trust, nearby owners has placed a plank bridge across the river in order to access the property for walking purposes. That bridge was recently washed downriver. The board will be placed on rocks on either side of the stream. It will not

sage into the water. Staff feels there would be no further disturbance to the wetlands. The IWC feels this is an as-of-right use, but suggests securing the board in a manner so it does not wash downstream again.

Motion: The Bolton Inland Wetlands Commission deems this a jurisdictional ruling as permitted as of right per Section 4: Permitted Uses as of Right and Non-regulated Uses of the regulations.

By: Loersch

Seconded: Ostafin

Voting:

For: Loersch, Ostafin, Lally

Against: None

Abstain: None

**B. Jurisdictional Ruling – Dubois Forestry – Marcus Communications, LLC – 0
Box Mountain Road – Forestry Management Plan**

Don Dubois, of Dubois Forestry for Marcus Communications, from Brooklyn, CT was present. His client is the recipient of grant monies from the USDA for forest management. Seed trees will be thinned and diseased or dead trees are targeted for removal. A buffer will be maintained along the wetlands to protect wildlife species. This is good forest management and help with wildlife habitat. There is to be no impact to the wetlands on the property. Some operations will take place in the upland review area. Dubois would like to commence work in early January with the goal to being finished by April 1, 2019. This timeframe is for the protection of migratory birds and bats. There are some existing skid rows that will be utilized; others to be constructed.

Staff reported that she and Mr. Dubois walked the property. There will be no stream crossings or the need for a corduroy road. This site is stable even with the amount of rain we've had. There was some question on one part of the surveyed area where the surveyor was asked to revisit and mark the area in question. The work area will be stabilized with a seed mix in the Spring. As part of the USDA process representatives will do a walk through and provide supervisory capacity on a regular basis.

Rod Parlee of the Conservation Commission was present to voice his concerns about possible impacts to Freya Park. He was critical of the lack of detail on the site map provided by the applicant. Lally commented that an owner is allowed to work in or near the wetlands if it is deemed an as-of-right use. This property is the highest point of three sub-watersheds making a very vulnerable area. There is a vernal pool on the property; Staff commented that the pool is outside of the work area.

Dubois responded that his client does have a detailed plan that was prepared to the federal standards. He added that Staff is welcome to visit the property and view the work being done at any time during the project.

The consensus from the Members is that this is an as-of-right use. Lally asked Dubois if Staff has permission to go onto the property to be sure that the work presented is what is being done and nothing more. Dubois granted permission.

Motion: The Bolton Inland Wetlands Commission deems this a jurisdictional ruling as permitted as of right, forestry activity, per Section 4: Permitted Uses as of Right and Non-regulated Uses of the regulations.

By: Loersch

Seconded: Ostafin

Voting:

For: Loersch, Ostafin, Lally

Against: None

Abstain: None

4. Public Comment

Rod Parlee continued his comments and concerns regarding the Forestry Management Plan previously discussed. Lally replied that further discussions cannot continue about that particular matter. Citizens can make general comments.

Parlee suggested that future timber harvest plans should include better mapping and detail, such as the location of vernal pools and the potential of at risk species being present. Mr. Parlee provides a vernal pool location map to Staff that she consults often.

Lally commented that the IWC is open to a more thorough review in the future as long as the requested detail is compliant with state statutes.

5. Approval of Minutes – October 23, 2018 Regular meeting

Motion: The Bolton Inland Wetlands Commission approves the minutes as written.

By: Ostafin

Seconded: Lally

Voting:

For: Ostafin, Lally

Against: None

Abstain: Loersch

6. Legal Updates from the CACIWC Conference

Lally relayed the following information presented by Janet Brooks:

- The IWC is a creature of statutes with the job of enforcing said statutes.
- The fourth amendment was emphasized guarding against search and seizure.
- Members should not speak of wetlands matters outside of a hearing.
- If a Member has a conflict they should recused themselves from a hearing to retain the integrity of the process.
- A time limit should not be put on a speaking in order for all the facts to be heard.
- The burden of proof is on the Commission for a cease and desist and show just cause.
- Punitive actions and fees should be separate from application fees.

7. Wetlands Agent Report

Staff reported:

- The annual report has been drafted.

- The bike group cleaned out the ditches and the wetlands where the snapping turtles are found along the rail trail with permission from the State/
- A link has been provided regarding the Eastern Gateway study for Routes 44 and 195.
- A follow up meeting about the detention basin at 1120 Boston Turnpike with the property owner suggested progress on the matter is forthcoming.
- The IWC may notice work being done at 837 Boston Turnpike. All work is outside of the upland review area.

Rod Parlee commented that water drainage from the Bolton Commuter lot is causing erosion and allowing sediment to enter Notch Pond. Staff replied that the Town does not have authority over the State.

8. Adjournment

Motion: The Bolton Inland Wetlands Commission moves to adjourn the meeting at 9:01 p.m.

By: Loersch

Seconded: Ostafin

Voting:

For: Ostafin, Lally, Loersch

Against: None

Abstain: None

Respectfully submitted,

Yvonne B. Filip

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Commission Clerk

PLEASE SEE THE MINUTES OF SUBSEQUENT MEETINGS FOR THE APPROVAL OF THESE MINUTES AND ANY CORRECTIONS HERETO.